

Ordinance No.: 18-01
Zoning Text Amendment No.: 15-03
Concerning: Uses and Use Standards -
Licensing
Draft No. & Date: 1 – 2/5/14
Introduced: February 10, 2015
Public Hearing: March 17, 2015
Adopted: April 21, 2015
Effective: May 11, 2015

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Leventhal at the request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- require all land uses to be licensed where the service provider is required to have a license, and
- generally amend use and use standards.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-3.1. “Use Table”
Section 59-3.1.2. “Use Classifications”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.

* * * indicates existing law unaffected by the text amendment.

OPINION

On February 3, 2015, the County Executive sent the Council a proposed Bill (9-15) and ZTA (15-03) to help enforcement actions against human trafficking in the County. The Bill would require any "bodyworks" establishment to be licensed. "Bodyworks" establishments provide such services as reflexology, acupressure, and other practices and fall outside the definition of massage. These establishments are sometimes venues for human trafficking. Zoning Text Amendment (ZTA) No. 15-03 was introduced on February 10, 2015. The ZTA would make land use for which a license is required illegal in the absence of that license.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved.

The County Council held a public hearing on March 17, 2015 to receive testimony concerning the proposed text amendment. There was no testimony in opposition to the ZTA. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on April 13, 2015 to review the amendment with the expectation of favorable testimony at the Council July 15 hearing. The Committee was satisfied that the ZTA would help DPS enforce anti-human trafficking efforts. The Committee recommended approval of ZTA 15-03 as introduced.

The District Council reviewed Zoning Text Amendment No. 15-03 at a worksession held on April 21, 2015 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 15-03 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-3.1 is amended as follows:**

2 **DIVISION 59-3.1. Use Table**

3 * * *

4 **Section 3.1.2. Use Classifications**

5 * * *

6 **F. Use Requiring a License**

7 When a use requires a license from the State or County to operate or when a
8 service provider is required to have a license, the use is allowed only when the
9 license is in effect.

10 * * *

11 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after
12 approval.

13
14 This is a correct copy of Council action.

15
16 *Linda M. Lauer*

17 Linda M. Lauer, Clerk of the Council